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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/602,034	06/23/2000	Jeffry Jovan Philyaw	PHLY-25,337	9028
25883	7590	08/24/2004	EXAMINER	
HOWISON & ARNOTT, L.L.P.			JACOBS, LASHONDA T	
P.O. BOX 741715				
DALLAS, TX 75374-1715			ART UNIT	PAPER NUMBER
			2157	

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/602,034

Applicant(s)

PHILYAW, JEFFRY JOVAN

Examiner

LaShonda T Jacobs

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

This Office Action is in response to Applicant's Amendment and Request for Reconsideration filed on May 3, 2004. Claims 1-18 are presented for further examination.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **1-18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Liao et al (hereinafter, "Liao", 6,148,405) in view of Durst et al (hereinafter, "Durst", 6,108,656).

As per claims **1** and **10**, Liao discloses a method and apparatus for accessing information over a network from a remote location on the network for delivery to a user PC, comprising the steps of:

- providing a functional mode on a cellular telephone for web access over the network, the cellular telephone separate from the user PC (see Fig. 1, col. 5, lines 64-67, col. 6, lines 1-6, lines 58-67 and col. 7, lines 1-5);
- associating a button on the cellular phone with the functional mode (col. 6, lines 58-67 and col. 7, lines 1-5); and
- activating the button on the cellular phone to activate the functional mode when in proximity to the user PC (col. 6, lines 58-67 and col. 7, lines 1-5).

However, Liao does not explicitly disclose

- transferring to the user PC control information, which control information has no routing information contained therein that would uniquely identify the location of the remote location on the network, but which control information has a predetermined association with the remote location; and
- in response to activation of the functional mode, controlling the user PC to access information from the remote location on the network for delivery to the user PC and display thereof on a display associated with the user PC.

Durst discloses a method and system for providing automated access to electronic information stored in a database in either a local or remote location including:

- transferring to the user PC control information, which control information has no routing information contained therein that would uniquely identify the location of the remote location on the network, but which control information has a predetermined association with the remote location (col. 2, lines 14-40, col. 4, lines 53-67, col. 5, lines 1-5 and lines 27-52); and
- in response to activation of the functional mode, controlling the user PC to access information from the remote location on the network for delivery to the user PC and display thereof on a display associated with the user PC (col. 5, lines 27-52).

Given the teaching of Durst it would have been obvious to one of ordinary skill in the art at the time this invention was made to modify Liao by implementing or incorporating a scan bar code within the cellular telephone in order to launch the browser command and URL allowing a user to automatically access and display a vendor's website in a timely and efficient manner.

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As per claims 2 and 11, Liao discloses the invention substantially as claims discussed above.

However, Liao does not explicitly disclose:

- wherein the functional mode has associated therewith a unique code, which unique code is associated with the remote location, such that the user PC is controlled in accordance with the unique code to access the predetermined remote location.

Durst discloses a method and system for providing automated access to electronic information stored in a database in either a local or remote location including:

- wherein the functional mode has associated therewith a unique code, which unique code is associated with the remote location, such that the user PC is controlled in accordance with the unique code to access the predetermined remote location (col. 2, lines 14-40, col. 4, lines 53-67, col. 5, lines 1-5 and lines 27-52).

Given the teaching of Durst it would have been obvious to one of ordinary skill in the art at the time this invention was made to modify Liao by implementing or incorporating a scan bar code within the cellular telephone for the purpose of utilizing the scan bar code in order to facilitate connection and transmission of decoded information.

As per claims 3 and 12, Liao discloses the invention substantially as claims discussed above.

However, Liao does not explicitly disclose:

- wherein the step of providing the functional mode comprises storing the unique code in the cellular telephone, which unique code is associated in the step of associating with

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the button, such that the unique code is output as a function of activation of the button in the step of activating for delivery to the user PC in the step of controlling.

Durst discloses a method and system for providing automated access to electronic information stored in a database in either a local or remote location including:

- wherein the step of providing the functional mode comprises storing the unique code in the cellular telephone, which unique code is associated in the step of associating with the button, such that the unique code is output as a function of activation of the button in the step of activating for delivery to the user PC in the step of controlling (col. 2, lines 14-40, col. 4, lines 53-67, col. 5, lines 1-5 and lines 27-52).

Given the teaching of Durst it would have been obvious to one of ordinary skill in the art at the time this invention was made to modify Liao by implementing or incorporating a scan bar code within the cellular telephone in order to launch the browser command and URL allowing a user to automatically access and display a vendor's website in a timely and efficient manner.

As per claims **4** and **13**, Liao discloses the invention substantially as claims discussed above.

Hover, Liao does not explicitly disclose:

- wherein the step activating comprises transmitting the unique code to the user PC and the user PC further including the step of receiving the unique code from the cellular telephone and, in response thereto, accesses the information from the remote location on the network.

Durst discloses a method and system for providing automated access to electronic information stored in a database in either a local or remote location including:

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- wherein the step activating comprises transmitting the unique code to the user PC and the user PC further including the step of receiving the unique code from the cellular telephone and, in response thereto, accesses the information from the remote location on the network (col. 2, lines 14-40, col. 4, lines 53-67, col. 5, lines 1-5 and lines 27-52).

Given the teaching of Durst it would have been obvious to one of ordinary skill in the art at the time this invention was made to modify Liao by implementing or incorporating a scan bar code within the cellular telephone for the purpose of utilizing the scan bar code in order to facilitate connection and transmission of decoded information.

As per claims 5 and 14, Liao discloses:

- wherein the step of transmitting comprises transmitting via a wireless mode (col. 2, lines 8-16 and col. 6 lines 58-65).

As per claims 6 and 15, Liao discloses:

- wherein the step of transmitting via the wireless mode includes transmitting via an optical link (col. 5, lines 50-64).

As per claims 7 and 16, Liao discloses the invention substantially as claims discussed above.

However, Liao does not explicitly disclose:

- receiving the unique code;
- transmitting the unique code to an intermediate node on the network;
- providing a relational database at the intermediate node on the network having contained therein a relational table between one or more unique codes and corresponding location information of the network;

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- comparing the unique code transmitted to the intermediate node with location that resides in the informational database and, if there is a match transmitting the matched location information back to the user PC; and
- connecting the user PC to the remote location in accordance with the matched location information returned thereto from the intermediate node.

Durst discloses a method and system for providing automated access to electronic information stored in a database in either a local or remote location including:

- receiving the unique code (col. 5, lines 1-5 and lines 27-52);
- transmitting the unique code to an intermediate node on the network (col. 5, lines 1-5 and lines 27-52);
- providing a relational database at the intermediate node on the network having contained therein a relational table between one or more unique codes and corresponding location information of the network (col. 8, lines 9-17);
- comparing the unique code transmitted to the intermediate node with location that resides in the informational database and, if there is a match transmitting the matched location information back to the user PC (col. 7, lines 45-67, col. 8, lines 1-8 and lines 33-40); and
- connecting the user PC to the remote location in accordance with the matched location information returned thereto from the intermediate node (col. 5, lines 1-5 and lines 27-52).

Given the teaching of Durst it would have been obvious to one of ordinary skill in the art at the time this invention was made to modify Liao by implementing or incorporating a scan bar

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code within the cellular telephone for the purpose of utilizing the scan bar code in order to facilitate connection and transmission of decoded information.

As per claim **8** and **17**, Liao discloses:

- wherein the step of transmitting comprises an audio signal wherein the step of receiving comprises receiving and detecting the audio signal and extracting the information in the unique code therefrom (col. 7, lines 1-5).

As per claims **9** and **18**, Liao disclose:

- wherein the network is a global communication network (col. 5, lines 49-53).

Response to Arguments

3. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T. Jacobs whose telephone number is 703-305-7494.

The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 703-308-7562. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

LaShonda T. Jacobs
Examiner
Art Unit 2157

ltj
August 13, 2004



SALEH NAJJAR
PRIMARY EXAMINER